

**Washington
Secretary of State**

**Policy on
Electronic Voting Systems**

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Electronic voting has become a major issue for election officials in all 50 states.

While issues relating to “paper trail” and “source code” are dominating media coverage of these issues, the Washington State Secretary of State is adopting a comprehensive approach that addresses all aspects of electronic voting.

Some of the recommendations will take effect on January 1, 2006, the effective date of the Help America Vote Act. But many of the recommendations relating to Security and Procedures are being filed as Washington Administrative Code and take effect for the 2004 elections. Effective dates are set forth in each policy.

These policies address the areas of Certification, Training, Procedures and Security.

I. Certification

Blue Ribbon Review Panel. A Blue Ribbon Review Panel, known as the Voting Systems Review Board, will be created to conduct certification reviews and make certification recommendations to the Secretary of State. The review panel will include respected experts in technology, elections administration, and representation of the public at large. This recommendation is currently authorized by statute but will require funding beyond existing levels. Adding experts, independent of the Secretary's office, increases the credibility of the certification process, and helps to allay the fears of the citizen groups currently involved in the electronic voting debate. (January 1, 2006)

Certification Window Restrictions. Modifications to county systems will be authorized for only limited time periods prior to an election, absent extraordinary circumstances. This recommendation is to ensure studied and considered system modifications. Limiting the time periods for modifications of voting systems allows for better review, testing, and installation of changes while mitigating the risk factors to counties and the elections they must conduct with these modifications. (2004)

DRE Requirements. The Help America Vote Act (HAVA) requires that a minimum of one Direct Recording Equipment (DRE) or other type of disability access device be implemented in every poll site in America for federal elections by January 1, 2006. By this deadline, all devices will be required to meet the following requirements.

Voter Verified Paper Audit Trail. All DREs will have a Voter Verified Paper Audit Trail (VVPAT). If another method of verification by the voter is available at some time in the future, it will be considered. It is noted that delaying the paper audit trail to 2006 allows for federal security and accessibility standards to be set, as well as certification through federal independent testing authorities of the additional hardware and software needed to implement this item. A paper trail provides an additional verification measure and increases public confidence in electronic voting. It is important, however, that we address the disabled communities' concerns that the paper records not take away the secrecy and independence that DREs afford. Assuring the language capabilities of any VVPAT is also important.

Currently, only one state is requiring DREs to have paper trails for this fall's elections. We may learn a great deal from the issues they face. (January 1, 2006)

Federal ITA Certification. All components of an electronic voting system will have completed review and testing and be certified through the federal Independent Testing Authority (ITA). Federal certification provides an important review and accountability measure. Washington State has participated on the federal level in the determination and review of current standards and continues to have confidence in the process. (Current)

Washington State Certification. All components of an electronic voting system will meet all requirements of Washington State law. The certification process is designed to ensure that federally certified systems conform to specific requirements of Washington State law. (Current)

Source Code. Source code of an electronic voting system will be placed in escrow in the State of Washington and be accessible by the Secretary of State under prescribed conditions allowing source code review for system verification. This will allow qualified persons from the Secretary of State's office to verify at any time that software installed in the counties matches the software certified by this office. (January 1, 2006)

Telephone, Internet and Wireless Connections. No telephone, internet or wireless capabilities will be connected to any tabulation software. While transmission of data may be allowed by telephone, it is imperative that appropriate reconciliation procedures as prescribed by Washington Administrative Code be in practice at the county level. This allows for timely transmission of results but assures accuracy for official reporting. (2004)

Disability Access. All electronic voting systems will meet Washington State disability access standards. According to legislation passed in 2003, in anticipation of HAVA disability requirements, this office is charged with setting disability access standards for voting devices through WAC. Using the requirements of HAVA will ensure a consistent set of standards. (January 1, 2006)

Matching Requirements. All electronic voting systems certified by the state will exactly match the system tested and certified by the National Independent Testing Authority. The system's digital software signature maybe used for verification. This method of verification may be possible in the very near future with the cooperation of the federal independent testing authority. This office will pursue such a method because it satisfies one of the basic security concerns that the exact version of software that is certified on the federal level is what is submitted to the state. (January 1, 2006)

II. Training

Statewide Poll Worker Training. The Secretary of State will develop a statewide program and curriculum for training poll workers on electronic equipment. Training poll workers may be the most important recommendation regarding electronic voting systems. As Washington State has led the nation in the certification and training of election administrators, Washington will also design and implement an intensive poll worker training that our own Certification and Training department will share with local election officials. (January 1, 2006)

Best Management Practices. The Secretary of State will develop Best Management Practices (BMPs) and a Best Practices Plan for use in training county elections personnel in standard security practices for electronic equipment. BMPs provide a proactive approach to helping local election officials develop sound procedures and processes to ensure the integrity of elections. (2004)

III. Procedures

Elections Day Communication Plans. Every county will have an Election Day Communication Plan that includes specific instructions for addressing issues relating to electronic equipment. While most counties already have such plans in effect, adding response contingencies for electronic equipment issues will help ensure that contingency plans are in place, election officials are trained for these situations, and public access to these plans is available. (2004)

Poll Site Results Posting. Each poll site with precinct counting equipment will post the results at that poll site so that voters may access these results immediately after the polls have closed. Since all precinct counting equipment can print multiple copies of results, posting results at the poll site is one more accountability measure in assuring the public that votes are counted and reported accurately. (2004)

Posting Penalties for Tampering. The penalties for tampering with electronic voting equipment will be posted at each poll site. This is already done at most poll sites in Washington State. Posting penalties is an important deterrent to fraud. (2004)

Poll Site Results Audit. The results from poll sites with precinct counting devices will be audited and reconciled after integration with central count devices. Auditing of election results has been prescribed in WAC, is currently practiced by all counties, and is one of the basic methods of assuring the public that the integrity and accuracy of elections is intact. (2004)

County Certification. Counties will be required to test and certify to the Secretary of State the acceptance of a new voting system, or a modification to an existing voting system. This is an additional certification from the county that is another block in the building of a true partnership between counties and the state for electronic voting systems. (2004)

IV. Security Practices

Parallel monitoring. Parallel monitoring will be implemented in 2004 and remain in practice until such time as the electronic voting system has a Voter Verified Paper Audit Trail. Parallel monitoring is the practice of randomly removing otherwise qualified voting devices on Election Day for purposes of testing. The purpose of parallel monitoring is to ensure that equipment operates on election day in accordance with approved pre-election testing. These same machines will be tested after the election to show that the software did not change because of date or time issues within the code. Parallel monitoring is part of an overall accountability measure to provide equipment testing before, during and after an election. (2004)

Technical Security Plan. Each county will have a Technical Security Plan specific to its voting system. The county plan will be published and available to the public. This is a proactive step that will assure the public that the elections process is transparent. Technical Security Plans will be developed in conjunction with the vendor, the county, and the state. (2004)

Review Panel. The Secretary of State will create a panel of specialists to conduct periodic reviews of county voting systems to insure each county system consists of certified software, firmware, and hardware. The purpose of this panel is to build a base of knowledge regarding voting systems in the state and to insure that vendors are not making modifications without county and state knowledge. (January 1, 2006)

Logic and Accuracy Testing. The Secretary of State will expand logic and accuracy testing to include testing before, during and after an election. The pre-election testing will be the traditional logic and accuracy testing of election specific programming. Testing during the election will consist of parallel monitoring described above. A new post election logic and accuracy test will be instituted.

This battery of tests is designed to demonstrate that the programming in electronic voting systems does not contain any malicious code that might affect votes cast on election day, or change those votes counted after election day. (2004)

Printing DRE ballot images. Washington Administrative Code will be written to allow counties with DREs to begin printing ballot images earlier than now allowed by law if a recount is likely in a race. The issue is that these machines print slower than normal computers and in a county wide race it often takes several days to print all of the ballot images. This authorization will be added to the reconciliation WACs now used in auditing an election.